

REMARKS

I. Summary of Office Action

Claims 1-37 are pending in the above-identified application.

Claims 1-37 are rejected under 35 U.S.C. § 103(a) as being obvious from Herz et al. U.S. Patent No. 5,758,257 (hereinafter "Herz") in view of Throckmorton et al. U.S. Patent No. 5,818,441 (hereinafter "Throckmorton").

II. Summary of Applicants' Reply

Applicants have amended claims 1 and 19 to more particularly define the claimed invention. No new matter has been added by the amendments and the amendments are fully supported by the specification, for example at page 25, line 33 through page 26, line 11. Additional support for the amendments may be found elsewhere in the specification.

The Examiner's rejections are respectfully traversed.

III. Applicants' Reply to the Rejections of the Claims under 35 U.S.C. § 103(a)

Claims 1-37 are rejected under 35 U.S.C. § 103(a) as being obvious from Herz in view of Throckmorton. These rejections are respectfully traversed.

Amended independent claims 1 and 19 are directed to a system and method for using an interactive program guide that displays data identified as being related to television programs selected by a user. Independent claims 1 and 19 specify, among other things, receiving "a first user selection of a television program title [...] without displaying the television program" and "a second user selection requesting that data

available on a public network and related to the selected television program title be displayed after the first selection" (emphasis added). Received data that is related to the selected television program title is displayed in direct response to the second user selection.

In the Office Action, the Examiner rejects applicant's arguments by contending that "the features upon which applicant relies (i.e., without requiring the step of tuning to a television program) are not recited in the rejected claim(s)" (Office Action, p. 2). Although applicant disagrees with the Examiner, and maintains that the combination of Herz and Throckmorton fails to show or suggest all of the features of applicant's unamended claims, in the interest of advancing prosecution, applicant has amended independent claims 1 and 19 to recite receiving a first user selection without displaying the television program.

Accordingly, applicants respectfully submit that neither Herz nor Throckmorton, whether taken alone or in combination, shows or suggests displaying data received from a public network that is related to a television program title in direct response to receiving a selection of that television program title (the second selection) on a display screen after a highlight has been navigated to that television program title (the first selection) without displaying the television program, as specified by independent claims 1 and 19. The Examiner concedes that "Herz does not clearly disclose receiving a second user selection requesting that data available on a public network and related to the selected television program title be displayed" (Office Action, p. 4), and attempts to make up for this deficiency with Throckmorton.

Assuming that Herz could be modified with Throckmorton, which it could not, the Examiner states that the proposed combination would result in a system that requires a user to have tuned to a television program before being able to access data available on a public network (Office Action, p. 5, and Throckmorton, col. 7, ll. 21-30). This is in direct contrast to claims 1 and 19, which provide for the display of data received from the public network without displaying the television program.

In addition, again assuming the combination of Herz and Throckmorton were possible, the combination would still fail to show or suggest displaying data received from a public network and that is related to a television program title. Instead, Throckmorton (and thus the combination) shows displaying references to information on an online service (e.g., a WWW page) (col. 6, ll. 30-33), but not applicant's claimed feature of displaying data "related to the selected television program" (claims 1 and 19).

Finally, applicants respectfully submit that the Examiner's motivation for modifying Herz to include Throckmorton is insufficient to support a prima facie case of obviousness. The Examiner stated:

"it would have been obvious ... to modify Herz with the teaching of allowing [a] user to obtain additional information related to [the] TV program currently viewed, as taught by Throckmorton, so to enhance viewer experience of being able to interact with the currently [viewed] TV program"

(Office Action, p. 5, emphasis added). The Examiner's motivation is hinged on the fact that the second selection is received while the user views the television program. As discussed above, the Examiner's basis for the motivation is in direct opposition with the claimed feature of providing data without displaying the

television program, and as such, the motivation necessarily fails.

Accordingly, for at least the foregoing reasons, applicants respectfully submit that independent claims 1 and 19 are allowable. Claims 2-18 and 20-37, which depend from one of claims 1 or 19, are allowable at least because claims 1 and 19 are allowable.

IV. Conclusion

In view of the foregoing, applicants respectfully submit that this application, as amended, is now in condition for allowance. Reconsideration and prompt allowance of this application are respectfully requested.

Respectfully submitted,



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